IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5154 of 2005

Between:

Tulasi Mahila Mandali (Regd.No. 276/75) Khanapur Village and Mandal, Waranal District Represented by its President, Smt. Vemulapalli Rani

..... PETITIONER

AND

1.The Joint Collecor, Warangal District, at Warangal.
2.The Revenue Divisional Officer, Narsampet Division,

Warangal District.
3.The Mandal Revenue Officer, Khanapur Mandal,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent passing order in Appeal No. 14 of 2004 dated 4-2-2005 in dismissing the appeal filed by the petitioner as illegal, arbitrary, bad and against the principles of natural justice and consequently direct the respondents to continue the petitioner as dealer of Fair Price Shop No. II of Khanapur Village and Mandal, Warangal District and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case in the interest of justice

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: G.P. FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.5154 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner claims to be the Fair Price Shop Dealer of Khanapur Village and functioning as such for the last eighteen years. Cancellation of her authorisation was effected on certain alleged irregularities complained of by various persons. After such cancellation, she preferred an appeal before the Joint Collector, Warangal – the appellate authority. The Joint Collector, on an elaborate consideration of the matter and the contentions of the petitioner, dismissed the appeal of the petitioner and confirmed the order of cancellation of authorisation passed by the second respondent – the Revenue Divisional Officer, Warangal. Aggrieved by the same, the present writ petition has been filed.

3. A perusal of the impugned order passed by the appellate authority would clearly disclose that all the aspects, including the factual aspects of the matter, have been

thoroughly gone into by the appellate authority, while confirming the order of cancellation of authorisation passed by the Revenue Divisional Officer, Warangal.

4. However, it is the contention of the learned counsel appearing for the petitioner that the Revenue Divisional Officer, while canceling the authorisation of the petitioner, did not afford any opportunity to the petitioner and the same amounts to violation of principles of natural justice.

5. In this connection, it is to be seen that when once an appeal had been preferred by the petitioner urging this ground also as one of the grounds of appeal, and when the appellate authority had already considered all the submissions that are made by the learned counsel appearing for the petitioner now in this writ petition and passed the impugned order, it cannot be said that the petitioner was not afforded with reasonable opportunity by the Revenue Divisional Officer at the time of cancellation of authorisation of the petitioner. Therefore, this contention has no force and the same is hereby rejected.

6. However, it is to be further seen that a statutory revision, as against the impugned order of the appellate authority, lies to the District Collector under Clause-121 of the A.P. State Public Distribution System Control Order, 2001 (for brevity “the Control Order”).

7. In view of the elaborate and detailed order passed by the appellate authority considering all the facts and circumstances of the case, I do not propose to go further into the disputed questions of fact inasmuch the same cannot be adjudicated by this Court exercising extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is without any merit and the same is liable to be dismissed.

8. Accordingly, the writ petition is dismissed, at the stage of admission. But, in the circumstances, there shall be no order as to costs.

9. However, it is clarified that the petitioner is at liberty to approach the revisional

authority i.e., the District Collector, Warangal, as provided under the Control Order seeking appropriate redressal.

10. It is further made clear that this order shall not be understood that this Court has expressed any opinion on the merits of the case.

11. It is also clarified that as and when a revision petition is filed by the petitioner, the same shall be disposed of as expeditiously as possible, preferably within a period of four weeks from the date of filing of the same.

12. At this stage, it is represented by the learned counsel appearing for the petitioner that althrough there was interim suspension of the order of the Revenue Divisional Officer, Warangal, and by virtue of the same the petitioner has been continuing as the Dealer of the Fair Price Shop in question and the petitioner may be allowed to continue to function as such.

13. Having regard to the said representation made by the learned counsel appearing for the petitioner and in order to meet the ends of justice, I feel it expedient to direct the respondents to maintain status quo obtaining as on the date of filing of the appeal before the appellate authority till 01-04-2005, which implies that the petitioner would approach the revisional authority on or before 01-04-2005 and seek necessary interim orders in an interlocutory application.

D.S.R.VARMA, J

15TH MARCH 2005

Note:

Issue CC by tomorrow

(B/o)

ISN

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1.The Joint Collecor, Warangal District, at Warangal.
2.The Revenue Divisional Officer, Narsampet Division,

Warangal District.
3.The Mandal Revenue Officer, Khanapur Mandal,

Warangal District.

4.Two CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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15TH MARCH 2005